

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALMART INC. AND WAL-MART  
STORES EAST, LP,

Defendant.

C.A. No. 20-1744-CFC

**STIPULATION AND ~~PROPOSED~~ ORDER AUTHORIZING DISCLOSURE OF  
WEST VIRGINIA CONTROLLED SUBSTANCES MONITORING PROGRAM DATA**

The West Virginia Board of Pharmacy (“West Virginia BoP”) and Defendants Walmart Inc. and Wal-Mart Stores East, LP, (together, “Walmart”) pursuant to the Protective Order, paragraph 86, (D.I. 88) in the above-captioned action (this “Litigation”), respectfully submit this Stipulation and Proposed Order Authorizing Disclosure of West Virginia Controlled Substances Program Data.

WHEREAS, the West Virginia BoP maintains the Controlled Substance Monitoring Program, an electronic system to collect and store controlled substance dispensing information (“CSMP Database”) for the state of West Virginia.

WHEREAS, Walmart served a subpoena on the West Virginia BoP on October 25, 2024 requesting, among other information, certain CSMP Database records.

WHEREAS, it is the West Virginia BoP’s position that West Virginia law requires an Order from this Court to permit the disclosure of CSMP Database records. *See* W. VA. CODE § 60A-9-5(a)(1).

WHEREAS, the West Virginia BoP and Walmart recognize that the CSMP Database records may require specific handling and designation under the Protective Order.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court's authority under Fed. R. Civ. P. 26(c), that:

1. The West Virginia BoP shall, consistent with the Protective Order, reproduce the CSMP Database records previously produced in *In Re: Opioid Litigation*, Civ. A. No. 21-C-9000 PHARM (Circuit Court, Kanawha County, West Virginia).
2. The West Virginia BoP shall, consistent with the Protective Order, produce all CSMP Database records for prescriptions written by Muhammad Nasher-Alneam (WV Medical License #21191).
3. The West Virginia BoP shall, consistent with the Protective Order, produce all CSMP Database records for prescriptions dispensed at the Department of Veterans Affairs Medical Centers in Clarksburg, Huntington, Martinsburg, and Beckley between June 26, 2013 and February 1, 2024.
4. In accordance with the Protective Order, the West Virginia BoP shall designate CSMP Database records as "Highly Confidential – Protected Health Information."

/s/ Matthew D. Morris

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*Attorney for Defendants Walmart Inc.  
and Wal-Mart Stores East, LP*

Dated: December 23, 2024

SO ORDERED this 27th day of December, 2024.



Honorable Eleanor G. Tennyson  
United States Magistrate Judge